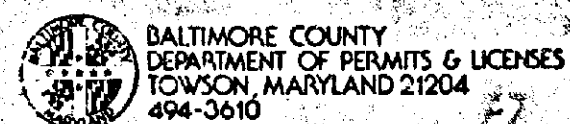


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BAITMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

September 5, 1984

Dear Mr. Jablon:

Comments on Item # 53 Zoning Advisory Committee Meeting are as follows:

Property Owner: Donald C. Robinson, et ux
Location: SE corner of Burnbrook Lane and Longhill Road
Petitioning Zoning: D.R. 5-5
Proposed Zoning: Variance to permit a side yard setback of 5' in lieu of the required 8' and to permit a pool outside of the third of the lot farthest removed from the side street.

Address: 77.62/75 x 118.45/110
District: 2nd.

The items checked below are applicable:

(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-83. Structures shall be constructed in accordance with the Building Code and other applicable Codes.

(B) A building or other structure shall be required before beginning construction.

(C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data. Plans are required to have approved drawings signed and sealed by a Maryland F.S.B.

(D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One and Two Family use group, of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 1107 and Table 1102, also Section 501.2.

(F) Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

(G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

(H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(I) Comments - Proposed addition requires footings to extend 30" below finish grade as first line, the owner shall verify the existing patio has such footings on Code complying foundation walls shall be installed. See Section 627.0 for pools.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

Additions over
300 sq. ft. require
construction
plans.

RE: PETITION FOR VARIANCES
SE corner of Burnbrook Lane
and Longhill Road (3205
Burnbrook Lane), 2nd District
DONALD C. ROBINSON, et ux,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-114-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Donald C. Robinson, 3205 Burnbrook Lane, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

October 4, 1984

Mr. and Mrs. Donald C. Robinson
3205 Burnbrook Lane
Baltimore, Maryland 21207

NOTICE OF HEARING

RE: Petition for Variances
SE corner of Burnbrook Lane and
Longhill Rd. (3205 Burnbrook Lane)
Donald C. Robinson, et ux - Petitioners
Case No. 85-114-A

TIME: 10:00 A.M.

DATE: Monday, November 5, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 133244

Commissioner
of County

DATE: 8/22/84 ACCOUNT: 8-01-615-000
AMOUNT: \$15.00
RECEIVED FROM: *Donald Robinson*
FOR: *Petition for Variances*
3205 Burnbrook Rd.
100-53
048*****35001a 82257
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 10/26/84
Posted for: *Variance to allow a side yard setback of 5' in lieu of 8' for 3205 Burnbrook Lane*
Petitioner: *Donald C. Robinson, et ux*
Location of property: *SE corner Burnbrook Lane & Longhill Rd.*
3205 Burnbrook Lane, 21207
Location of Sign: *on property at Petitioner's Home, 3205 Burnbrook Lane*
& Longhill Rd. facing Burnbrook Lane
Remark: _____
Posted by: *M. J. Jablon* Date of return: 10/26/84
Number of Signs: 1

CERTIFICATE OF PUBLICATION

59187

Fikesville, Md., Oct. 17, 1984
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Fikesville, Baltimore County, Maryland before the 5th day of November 1984
the first publication appearing on the 17th day of Oct. 1984
the second publication appearing on the _____ day of _____ 19____
the third publication appearing on the _____ day of _____ 19____

THE NORTHWEST STAR

John M. Haffey
Manager

Cost of Advertisement \$18.00

LEGAL NOTICE

PETITION FOR VARIANCES
SE corner of Burnbrook Lane and Longhill Road (3205 Burnbrook Lane), 2nd District
DONALD C. ROBINSON, et ux,
Petitioners

The Zoning Commissioner of Baltimore County, by authority of the Zoning and Subdivisions Department, has received and reviewed the Petition for Variance submitted by the above-named Petitioners, and has determined that the Petitioners are entitled to a hearing on the Petition for Variance.

The hearing will be held on Monday, November 5, 1984, at 10:00 A.M., in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

The Petitioners are hereby notified that they must appear at the hearing and present evidence in support of their Petition for Variance. If they fail to appear, the Zoning Commissioner may, in his discretion, grant or deny the Petition for Variance.

Witness my hand and the Seal of the Zoning and Subdivisions Department of Baltimore County, this 16th day of October, 1984.

ARNOLD JABLON
Zoning Commissioner

BAITMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 25, 1984

Mr. and Mrs. Donald C. Robinson
3205 Burnbrook Lane
Baltimore, Maryland 21207

RE: Petition for Variances
SE corner of Burnbrook Lane
and Longhill Rd. (3205 Burnbrook Lane)
Donald C. Robinson, et ux - Petitioners
Case No. 85-114-A

Dear Mr. and Mrs. Robinson:

This is to advise you that \$43.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135834

Commissioner
of County

DATE: 11-5-84 ACCOUNT: 01-615-000
AMOUNT: \$43.00
RECEIVED FROM: *Donald Robinson*
FOR: *Posting & advertising*
85-114-A
023*****35001a 50557
VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION

Being known as the southeast corner of Burnbrook Lane and Longhill Road being Lot 42, Block I, in the subdivision of Deerfield, Book #W.J.R. 26, Folio 47. Also known as 3205 Burnbrook Lane in the 12th Election District.

CERTIFICATE OF PUBLICATION

TOWSON, MD, October 18, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 18, 1984.

THE JEFFERSONIAN

John M. Haffey
Publisher

Cost of Advertising 20.00

PETITION FOR VARIANCES
2nd Election District

LOCATION: Southeast corner of Burnbrook Lane and Longhill Road (3205 Burnbrook Lane)

DATE AND TIME: Monday, November 5, 1984 at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a side yard setback of 5 feet in lieu of the required 8 feet for a room addition and to permit a pool outside the third of the lot farthest removed from both streets.

Being the property of Donald C. Robinson, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCES
SE/corner of Burnbrook Lane
and Longhill Road (3205 Burnbrook Lane) - 2nd Election District
Donald C. Robinson, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-114-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of five feet instead of the required eight feet in order to construct an enclosed porch and an accessory structure (swimming pool) to be located outside the third of the lot farthest removed from any street, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Donald C. Robinson, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, is located on the corner of Burnbrook Road and Longhill Road and is improved with a 28' x 40' dwelling which faces Burnbrook Road. A patio exists to the side and rear of the house upon which the Petitioners propose to construct an unheated enclosed porch. In addition, they propose to construct a 520 square foot in-ground swimming pool in the rear yard. However, the pool cannot satisfy the Baltimore County Zoning Regulations (BCZR) in that an accessory structure must be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third when the property is a corner lot. Due to the existence of a ten-foot storm drain easement along the southeastern property line and the size of the proposed pool, it cannot be located within the third of the lot farthest removed from the streets.

ORDER RECEIVED FOR FILING
DATE November 5, 1984
BY [Signature]

The Petitioners seek relief from Section 1802.3.B (211.3) for the side yard variance and from Section 400.1 for permission to build the pool outside of the designated area, pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the requested variances were not granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

ORDER RECEIVED FOR FILING
DATE November 5, 1984
BY [Signature]

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 1984, that the Petition for Zoning Variances to permit a side yard setback of five feet instead of the required eight feet and an accessory structure (swimming pool) to be located outside the third of the lot farthest removed from any street be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Donald C. Robinson

People's Counsel

ORDER RECEIVED FOR FILING
DATE November 5, 1984
BY [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commission Date: October 16, 1984

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

Zoning Petition Nos. 85-105-A, 85-106-Sph, 85-107-A, 85-108-X, 85-109-A,
SUBJECT: 85-114-A, 85-115-A, 85-118-A, 85-119-A, 85-120-A, and 85-121-A

There are no comprehensive planning factors requiring comment on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

